

**U.S. House of Representatives
Committee on Resources
Washington, DC 20515**

May 14, 2003

**Do you support clean water?
Then you should support the bipartisan
Healthy Forests Restoration Act, H.R. 1904.**

Dear Colleague:

The damage of wildfires is easily seen by the mass destruction they cause to our forests, wildlife habitat, and communities. However, one of the worst consequences of wildfires is the water pollution that takes place after mass amounts of sediment are washed into streams.

Recently, a federal court case in Montana halted a U.S. Forest Service fuels reduction project in the Lolo National Forest (*see article on reverse*). During the Forest Service's analysis, it noted the project would slightly increase sediment into nearby streams in the short term. Nevertheless, the long term effects would avert catastrophic wildfire—in turn preventing soil erosion and protecting water quality among numerous other benefits. Unfortunately, the long term effects were never considered by the court.

When federal land management agencies make decisions, it is crucial that such decisions are balanced between short term *and* long term harm to ensure the most appropriate action is taken. The Healthy Forests Restoration Act makes this a priority—ensuring maximum effectiveness and environmental protection, essentially balancing the possible harms.

Currently, preliminary stays on fuels reduction projects can remain in effect for months before the court finally reaches a decision on the overarching merits of the legal challenge. These long delays can ultimately defeat the purposes of a forest treatment project, particularly where a project is aimed at stemming the spread of disease or bug infestation to uninfected forest lands. In these cases, “judicial delay” is just as lethal as “judicial defeat” for the health of the forest.

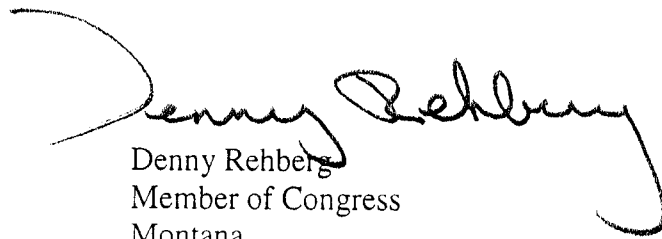
The Healthy Forests Restoration Act directs federal courts, when considering a challenge to hazardous fuels reduction projects, to consider the potentially devastating environmental consequences associated with management inaction, while giving weight to the Forest Service and BLM's scientific determinations as to the environmental utility of a project in reducing the threat of wildfire to forest ecosystems.

To do nothing—to turn a blind eye to the destruction and pollution caused by wildfires is unacceptable. Congress has an obligation to protect America's forests and prevent catastrophic wildfires. The Healthy Forests Restoration Act, cosponsored by 119 Members of Congress, is an essential step towards improving forest health. For more information, or to be a cosponsor, contact the Resources Subcommittee on Forests and Forest Health at 5-0691.

Sincerely,



Scott McInnis
Chairman
Subcommittee on Forests and Forest Health
Committee on Resources



Denny Rehberg
Member of Congress
Montana

It's another case of 'analysis paralysis' - Tuesday, May 6, 2003

SUMMARY: Forest standards should be high, but not impossible to meet.

If a tree falls in the forest, but there's no one to hear it, does it make a sound? Can the U.S. Forest Service prove it? The agency is expected to prove everything else.

A federal judge in Missoula on April 28 halted logging, road work and other projects on thousands of acres of the Lolo National Forest, saying the Forest Service cannot prove that the work won't unacceptably harm several creeks.

The Forest Service analyzed its projects - aimed at restoring land burned in 2000 - and concluded that some of the work would increase sediment in streams in the short run, but would reduce sedimentation over the long run.

A couple of environmental groups sued. The restoration work includes logging, and not everybody likes logging. U.S. District Judge Donald Molloy ordered the agency to stop its restoration work on the grounds that the agency can't prove its water-quality claims.

No one has shown the agency is wrong, either. But until it can prove it's right, the agency can't do its job. For what it's worth, it could take years of study to produce an answer likely to satisfy the judge.

Well, there's nothing new here. Forest Service Chief Dale Bosworth has long complained that "analysis paralysis" plagues management of the national forests. This is merely the latest example of what he's talking about.

No one says the Forest Service shouldn't be held to high standards. These are our public lands they're managing, and we want nothing but the best for them.

But while insisting that our national forests be managed well and in the public interest based on good information, we need to accept the reality that managing these lands, complicated ecosystems, the natural resources and the many demands that Americans place on them sometimes comes down to judgment calls. There's no set of provable truths that will serve in all situations.

It's also important to understand that, whatever effects Forest Service management decisions have, there also are effects of not doing those things. There's no benign thing to do with the forest. Leaving it the hell alone has environmental impacts, too, and some of those impacts aren't good.

Judge Molloy says the Forest Service can't prove its restoration work won't inflict harm. But neither can he prove that his order stopping restoration work on the Lolo National Forest won't be even more harmful in the long run. By the time we have proof, one way or the other, it'll be too late to do the work in question.

The Forest Service is a good agency filled with good, dedicated land and resource managers. They're not infallible, but they comprise the best and brightest America has to offer for managing forests. They certainly know more about managing forests than the Sierra Club or your average federal judge.

Keep a close eye on the Forest Service. Watch and make sure it doesn't mess up. Stop it if it does. But otherwise, let these people do their jobs.

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